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**To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Date: October 26, 2004

Number of Pages: Cover + 20

ATTN: MAIL STOP PETITION

TELEPHONE NO.

FAX NO.: (703) 872-9306

FROM: Steve A. Wong, Esq.

**PLEASE CONTACT US IF ANY PAGES
ARE ILLEGIBLE OR ARE NOT RECEIVED**

RE: USSN: 10/010,078

Filed: 11/2/01

**Title: System, Method and Article of
Manufacture for Tracking and Supporting
the Distribution of Content Electronically
(as amended)**

Inventor: Allan B. Lamkin et al.

Confirmation No. 2686

Art Unit: 2177

Our Reference: IA 1500.01A US



October 26, 2004

Document Control Number 73Z7BQ

CUSTOMER NUMBER

22887

PATENT TRADEMARK OFFICE

VIA FACSIMILE

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OCT 26 2004

RE: U.S. Patent Application Ser. No.: 10/010,078
Filing Date: November 2, 2001
Title: SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR
TRACKING AND SUPPORTING THE DISTRIBUTION OF CONTENT
ELECTRONICALLY (as amended)
Inventors: Allan B. LAMKIN et al.
Attorney Docket No.: IA 1500.01A US

Dear Sir or Madam:

Enclosed for filing in the referenced patent application please find the following:

1. Transmittal Letter (1 page);
2. Fee Transmittal;
3. Application for Patent Term Adjustment Pursuant to 37 C.F.R. § 1.705 including Exhibits 1-8;
4. Cover Letter; and
5. Certificate of Facsimile dated October 26, 2004.

Please acknowledge receipt of this transmittal.

Very truly yours,

DISCOVISION ASSOCIATES

A handwritten signature in black ink, appearing to read "Steve A. Wong".

Steve A. Wong
Managing Patent Attorney
INTELLECTUAL PROPERTY DEVELOPMENT

SAW:jb

Enclosures

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (703) 872-9306 on:

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(Date)Jeannie Benedict
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A handwritten signature in black ink, appearing to read "Jeannie Benedict".

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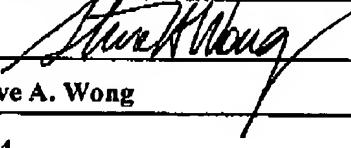
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/010,078
		Filing Date	November 2, 2001
		First Named Inventor	ALLAN B. LAMKIN
		Art Unit	2177
		Examiner Name	Cheryl R. Lewis
Total Number of Pages in This Submission		Attorney Docket Number	IA 1500.01A US

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Cover Letter; Certificate of Facsimile
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Application for Patent Term Adjustment
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> including Exhibits 1-8
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm Name DISCOVISION ASSOCIATES – Intellectual Property Development
2355 Main Street, Suite 200, Irvine, CA 92614 – U.S.A. – Tel.: (949) 660-5000Signature 

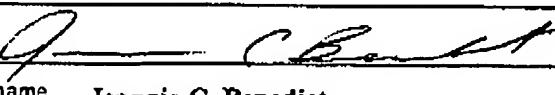
Printed name Steve A. Wong

Date 10/26/04

Reg. No. 37,968

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

Typed or printed name Jeannie C. Benedict

Date

10/26/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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949 660 1801;

10/26/04 2:18PM; *Jeffex* #854; Page 4

PTO/SB/17 (10-03)

* Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR §1.27

TOTAL AMOUNT OF PAYMENT (\$ 200.00

Complete if Known

Application Number	10/010,078
Filing Date	November 2, 2001
First Named Inventor	ALLAN B. LAMKIN
Examiner Name	Cheryl R. Lewis
Art Unit	2177
Attorney Docket No.	IA 1500.01A US

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number **04-1175**
 Deposit Account Name **DISCOVISION ASSOCIATES**

The Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity | Small Entity

Fee Code	Fee \$	Fee Code	Fee \$	Fee Description	Fee Paid
1001	780	2001	395	Utility filing fee	
1002	360	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	780	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUB TOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from Below	Fee Paid
	-20** =		
Independent Claims	-3** =		
Multiple Dependent		=	

Large Entity	Small Entity	Fee Description
Fee Code	Fee \$	Fee Description
1202	18	2202 9 Claim in excess of 20
1201	88	2201 44 Independent claims in excess of 3
1203	300	2203 150 Multiple dependent claim, if not paid
1204	88	2204 44 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

* or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee \$	Fee Description	
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1063 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	430	2252 215 Extension for reply within second month	
1253	980	2253 480 Extension for reply within third month	
1254	1,530	2254 765 Extension for reply within fourth month	
1255	2,080	2255 1,040 Extension for reply within fifth month	
1401	340	2401 170 Notice of Appeal	
1402	340	2402 170 Filing a brief in support of an appeal	
1403	300	2403 1903 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,370	2453 685 Petition to revive - unintentional	
1501	1,370	2501 685 Utility issue fee (or reissue)	
1502	480	2502 245 Design issue fee	
1503	660	2503 330 Plant issue fee	
1480	130	1480 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1808	180	1808 180 Submission of Information Disclosure Stmt.	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	790	2809 395 Filing a submission after final rejection (37 C.F.R. 1.129(a))	
1810	790	2810 395 For each additional invention to be examined (37 CFR 1.129(b))	
1801	780	2801 395 Request for Continued Examination (RCE)	
1802	800	1802 900 Request for expedited examination of a design application	

Other fee (specify) Application for Patent Term Adjustment

200.00

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 200.00)

SUBMITTED BY

Name Printed/Typed	Steve A. Wong	Registration No. Attorney / Agent	37,968	Telephone	(949)660-5000
Signature				Date	10/26/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2838. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents; P.O. Box 1450, Alexandria, VA 22313-1450.

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OCT 26 2004

+PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Allan B. LAMKIN, et al.

Application No.: 10/010,078

Filed: November 2, 2001

For: SYSTEM, METHOD AND
ARTICLE OF MANUFACTURE FOR
TRACKING AND SUPPORTING THE
DISTRIBUTION OF CONTENT
ELECTRONICALLY (AS AMENDED)

Examiner: Cheryl R. LEWIS

Art Unit: 2177

Confirmation No.: 2686

Docket No.: IA 1500.01A-US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (703) 872-9306 on:

October 26, 2004
(Date)

Jeannie Benedict
(Type or print name)


(Signature)

APPLICATION FOR PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

Applicant respectfully requests reconsideration of the patent term adjustment indicated in the notice of allowance. The notice of allowance, mailed September 23, 2004, indicates a patent term adjustment of 290 days, as shown in Exhibit 1. The Applicant requests that the patent term adjustment be corrected to reflect 362 days for the reasons that are explained below.

This patent is not subject to a terminal disclaimer.

Docket No.: IA 1500.01A US
USSN: 10/010,078

PATENT
Art Unit: 2177

**I. Grounds for Adjustment of Patent Term Due to Examination Delay
(37 C.F.R. § 1.702)**

Subject to 35 U.S.C. § 154(b), the term of an original patent must be adjusted if the issuance of the patent was delayed due to the failure of the Office to mail at least one of a notification under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151 not later than 14 months after application filing date.

The application filing date is November 11, 2001, as can be seen in Exhibit 1. The first notification under 35 U.S.C. § 132 was mailed on March 11, 2004 as shown in Exhibit 2. Therefore, the Applicant is entitled to a credit of 434 days.

II. Reduction of Period of Adjustment of Patent Term (37 C.F.R. § 1.704)

The period of adjustment of the term of a patent shall be reduced by a period equal to the period of time during which the Applicant failed to engage in reasonable efforts to conclude prosecution of the application. The period of adjustment shall be reduced for the period in excess of three (3) months taken to reply to any action or notice from the Office.

1. Applicant responded to the outstanding Office action on June 14, 2004, which is three months and three days after the mailing of the first Office action. Accordingly, the Applicant has a reduction of three (3) days from the earned patent term adjustment.

2. A Notice to File Missing Parts was mailed on January 24, 2002, as shown in Exhibit 3. The Notice to File Missing Parts required submission of the following:

- A. Basic filing fee;
- B. Additional claim fees;
- C. Signed oath or declaration; and
- D. Substitute drawings in compliance with 37 C.F.R. § 1.84

Docket No.: IA 1500.01A US
USSN: 10/010,078

PATENT
Art Unit: 2177

The basic filing fee, additional claim fees, and the signed declaration were submitted by Applicant on March 29, 2002, as shown in Exhibit 4. A copy of the return postcard from the Office indicates a receipt date of April 9, 2002, as shown in Exhibit 5.

Substitute drawings were submitted by the Applicant on June 26, 2002, as shown in Exhibit 6. A copy of the return postcard from the Office indicates a receipt date of July 2, 2002 for the substitute drawings, as shown in Exhibit 7.

The latest date in which the Applicant complied with all outstanding requirements was July 2, 2002, wherein the application was deemed complete. Therefore, the date of Applicant's compliance with all outstanding requirements is three months and 69 days from the mailing of the Notice to File Missing Parts. Accordingly, the Applicant has a Reduction Period of Adjustment of 69 days from the earned patent term adjustment, for the delay in submitting the required documents in response to the Notice to File Missing Parts.

The Office incorrectly accorded the date of September 12, 2002 as the date in which the application was deemed complete (see Exhibit 8). Instead of the correct date of July 2, 2002. Hence, the discrepancy of 72 days between July 2, 2002 and September 12, 2002 should be reconciled in the Applicant's favor.

In summary, the total reduction of earned patent term extension is as follows:

$$3 + 69 = 72 \text{ days}$$

III. Final Calculation for Determination of Patent Term Adjustment

The final determination of Applicant's patent term adjustment is as follows:

Adjustment of Patent Term Due to Examination Delay	434 days
Reduction of Period of Adjustment of Patent Term	72 days
Final Determination of Patent Term Adjustment	362 days

Sent by:

949 660 1801;

10/26/04 2:19PM; *JetFax* #854; Page 8/21

Docket No.: IA 1500.01A US
USSN: 10/010,078

PATENT
Art Unit: 2177

Based on the foregoing, the Applicant requests that the determination of patent term adjustment under 35 U.S.C. § 154(b) be corrected to 362 days.

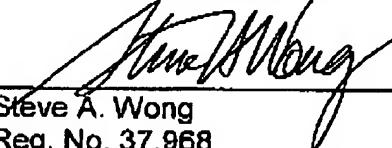
IV. Fees

The Commissioner is hereby authorized to charge the \$200.00 fee required by 37 C.F.R. § 1.18(e) and any additional fees or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: Oct. 26, 2004


Steve A. Wong
Reg. No. 37,968

DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
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(949) 660-5000

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